

## TITLE 79

## PUBLIC LANDS

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The powers and duties of most of the public agencies mentioned in Title 79 have been transferred, at least in part, to the department of natural resources, see chapter 43.30 RCW (chapter 38, Laws of 1957). The purpose of said chapter, as provided in RCW 43.30.010, is "to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licenses, secretary of state, tax commission and commissioner of public lands."

The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board and the state sustained yield forest committees, were abolished in 1957; see RCW 43.30.070 (1957 c 38 § 7).

Access to state timber: Chapter 76.16.

Acquisition, disposition of state highway property: Chapter 47.12.

Actions against state: Chapter 4.92.

Alien ownership of lands: State Constitution Art. 2 § 33 (Amendments 24 and 29).

Board of state land commissioners: Chapter 43.65.

Boundaries and plats, generally: Title 58.

Bridges, obstructions in navigable waters: Chapter 88.28.

Christmas trees: Chapter 47.40, RCW 76.12.120.

Columbia Basin commission: Chapter 43.49.

Commercial waterway districts may include public lands: Chapter 91.04.

Commissioner of public lands: State Constitution Art. 3 § 23; Chapter 43.12.

Commissioner of public lands may be abolished: State Constitution Art. 3 § 25 (Amendment 31).

Compact with the U. S.: State Constitution Art. 26.

Contracts with U. S. as to highway property: Chapter 47.08.

County lands, generally: Chapter 36.34.

Cutting, destroying trees on state lands without authority: RCW 76.04-.397.

Declaratory judgments: Chapter 7.24.

Diking and drainage, improvement districts, benefit to public land: RCW 85.08.370.

79.01.020

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**79.01.020 "First class tidelands".** Whenever used in this chapter the term "first class tidelands" shall mean the beds and shores of navigable tidal waters belonging to the state, lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide. [1927 c 255 § 5; RRS § 7797-5. Prior: 1897 c 89 § 39; 1895 c 178 § 52. Formerly RCW 79.04.020.]

**79.01.024 "Second class tidelands".** Whenever used in this chapter the term "second class tidelands" shall mean public lands belonging to the state over which the tide ebbs and flows outside of and more than two miles from the corporate limits of any city, from the line of ordinary high tide to the line of extreme low tide. [1927 c 255 § 6; RRS § 7797-6. Prior: 1897 c 89 § 39; 1895 c 178 § 52. Formerly RCW 79.04.060.]

**79.01.028 "First class shorelands".** Whenever used in this chapter the term "first class shorelands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side. [1927 c 255 § 7; RRS § 7797-7. Prior: 1897 c 89 § 39; 1895 c 178 § 52. Formerly RCW 79.04.070.]

**79.01.032 "Second class shorelands".** Whenever used in this chapter the term "second class shorelands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city. [1927 c 255 § 9; RRS § 7797-8. Prior: 1897 c 89 § 39; 1895 c 178 § 52. Formerly RCW 79.04.080.]

**79.01.036 "Improvements".** Whenever used in this chapter the term "improvements" when referring to public lands belonging to the state shall mean anything considered a fixture in law placed upon or attached to such lands, or any change made in their previous condition that has added value to the lands. [1927 c 255 § 9; RRS § 7797-9. Prior: 1897 c 89 § 5. Formerly RCW 79.04.090.]

**79.01.038 "Valuable materials".** "Valuable materials." Whenever used in this title the term "valuable materials" when referring to public lands belonging to the state means any product or material on said lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.01. [1959 c 257 § 1.]

**79.01.040 Board of state land commissioners.** [1941 c 217 § 1; 1927 c 255 § 10; RRS § 7797-10.] See RCW 43.65.010.

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fifty feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated.

Should such city fail to make such selection within such time, or within such time make such selection, the title of the remaining portions of such waterway so vacated shall vest in the state, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

The provisions of this section shall not apply to any waterway or portion of waterway which forms, or by improving the same may be made to form, a connection between a river, or another waterway, and tidal waters. [1927 c 255 § 118; RRS § 7797-118. Prior: 1913 c 171 §§ 1, 2; 1909 c 63 §§ 1 through 3. Formerly RCW 79.16.310.]

**79.01.476 Effect of replat of tide or shore lands.** Any replat of tide or shore lands heretofore, or hereafter, platted shall be in full force and effect and shall constitute a vacation of streets, alleys, waterways and other public places theretofore dedicated and the dedication of new streets, alleys, waterways and other public places appearing upon such replat, when the same is recorded and filed as in the case of original plats. [1927 c 255 § 119; RRS § 7797-119. Prior: 1901 c 161 § 1; 1897 c 89 § 40; 1895 c 178 § 53. Formerly RCW 79.16.320.]

**79.01.480 Sale of tidelands other than first class.** All tidelands, other than first class, shall be offered for sale and sold in the same manner as state lands, other than capitol building lands, but for not less than five dollars per lineal chain, measured on the United States meander line bounding the inner shore limit of such tidelands, and each applicant shall furnish a copy of the United States field notes certified to by the officer in charge thereof, of said meander line with his application, and shall pay one-tenth of the purchase price on the date of sale. [1927 c 255 § 120; RRS § 7797-120. Prior: 1899 c 86 § 1; 1897 c 89 § 48. Formerly RCW 79.16.330.]

**79.01.484 Shorelands of second class—Sale—Preference right of upland owner—Platting.** Whenever application is made to purchase any shorelands of the second class or whenever the commissioner of public lands shall deem it for the best interest of the state to offer any shorelands of the second class for sale, he shall

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cause a notice to be personally served upon the abutting upland owner if he be a resident of this state, or if the upland owner be a nonresident of this state, shall mail to his last known post office address, a copy of a notice notifying him that application has been made for the purchase of such shorelands or that the commissioner deems it for the best interest of the state to sell the same, as the case may be, giving a description and the appraised value of such shorelands in no case less than five dollars per lineal chain frontage and notifying such upland owner that he has a preference right to purchase said shorelands at the appraised value thereof for a period of thirty days from the date of the service or mailing of said notice, and no such shorelands shall be offered for sale, or sold, to any other person than the abutting upland owner until after the expiration of said thirty days from the date of the service or mailing of such notice. If the upland owner is a nonresident of this state and his address is unknown to the commissioner of public lands, notice to him shall not be necessary or required. If at the expiration of the thirty days from the service or mailing of the notice, as above provided, the abutting upland owner has failed to avail himself of his preference right to purchase and paid to the commissioner of public lands the appraised value of the shorelands described in said notice, then in that event said shorelands may be offered for sale and sold in the manner provided for the sale of state lands, other than capitol building lands. The commissioner of public lands may cause any of such shorelands, to be platted as is provided for the platting of shorelands of the first class, and when so platted such lands shall be sold or leased in the manner in this chapter provided for the sale or lease of shorelands of the first class. [1927 c 255 § 121; RRS § 7797-121. Prior: 1901 c 175 §§ 1 through 5; 1899 c 86 § 1; 1897 c 89 § 252. Formerly RCW 79.16.340.]

**79.01.488 Second class tide or shore lands detached from upland by navigable water.** Tide or shore lands of the second class which are separated from the upland by navigable waters, shall be sold at not less than five dollars per acre; an applicant to purchase such tide or shore lands shall, at his own expense, survey and cause to be filed with his application a plat of the surveys of the land applied for, which surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the uplands, and the applicant shall also file the field notes of the survey of said land with his application. The commissioner of public lands shall examine and test said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made. [1927 c 255 § 122; RRS § 7797-122. Prior: 1907 c 256 § 4; 1897 c 89 § 49; 1895 c 178 §§ 65 through 68. Formerly RCW 79.16.350.]

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**79.01.492 Accretions—Preference right to purchase.** Any accretions that may be added to any tract or tracts of tide or shore lands heretofore sold or that may hereafter be sold, by the state, shall belong to the state and shall not be sold or offered for sale until such accretions shall have been first surveyed under the direction of the commissioner of public lands, and the owner of the adjacent tide or shore lands shall have the preference right to purchase said lands produced by accretion for thirty days after the owner of the adjacent tide or shore lands shall be notified by registered mail of his preference right to purchase such accreted lands. [1927 c 255 § 123; RRS § 7797-123. Prior: 1899 c 83 § 1; 1897 c 89 § 51; 1895 c 178 § 81. Formerly RCW 79.16.360.]

**79.01.496 Tide or shore lands—Preference rights, time limit on exercise.** All preference rights to purchase tide or shore lands awarded by the commissioner of public lands, or by the superior court in case of appeal from the award of the commissioner of public lands, shall be exercised by the parties to whom the award is made within thirty days from the date of the service of notice of the award by registered mail, by the payment to the commissioner of public lands of the sums required by law to be paid for a contract, or deed, as in the case of the sale of state lands, other than capitol building lands, and upon failure to make such payment such preference rights shall expire. [1927 c 255 § 124; RRS § 7797-124. Prior: 1899 c 83 § 1; 1897 c 89 § 51. Formerly RCW 79.16.370.]

**79.01.500 Court review of actions.** Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to